

CAMPBELL COUNTY PLANNING COMMISSION

AGENDA

MARCH 28, 2016

7:00 PM: Regular Meeting

- ❖ Call to order
- ❖ Invocation
- ❖ Pledge of Allegiance
- ❖ Minutes for consideration from the regular meeting held on February 22, 2016

PUBLIC HEARINGS FOR CONSIDERATION

*Commissioners are reminded to please include in motions on land use matters one or more of the following reasons: *public necessity, convenience, general welfare, or good zoning practice.*

PL-16-29 -Request to vacate public right-of-way, currently an unopened road located at the intersection of Wards Road/US 29 and an unnamed road located approximately 450' south of Dennis Riddle Drive.

SUBDIVISION MATTERS FOR CONSIDERATION

- ◇ None

MATTERS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

- ◇ Zoning Ordinance Changes regarding Signs – Zoning Administrator Carter Tatum will present the current status, as well as issues where Planning Commission feedback is needed.
- ◇ Board of Supervisors Requested Review of the Zoning Ordinance with regard to home occupations and certain agricultural uses within residential zones.

MATTERS FROM THE COUNTY PLANNER

- ◇ Potential Zoning Ordinance Change- Home Occupations
- ◇ Potential Subdivision Ordinance Change – Number of Lots Approvable by Staff Review

MATTERS FROM THE COMMISSIONERS

- ◇ April Attendance (4/25/16)

MOTION FOR ADJOURNMENT

MEMORANDUM

To: Planning Commission

CC: Paul E. Harvey, Community Development Director

From: Sandra M. Shackelford, County Planner

Subject: PUBLIC HEARING AGENDA ITEM –Right-of-Way Vacation Request Route 29 NB – South of Dennis Riddle Drive (5 Minutes)

Date: February 17, 2016

BACKGROUND:

The Community Development Department received a request from a property owner to vacate two segments of an unopened public right-of-way. The first segment is 30' wide and lies between parcels 32-A-64, lots 134-137 of the Breezy Wood Subdivision and the parcel referenced as Lot 91 on the preliminary plat prepared by Southeast Survey Group. The second segment is 20' wide and lies between parcels 69 through 89 of the Breezy Wood Subdivision and the parcels referenced as Lot 90 and Lot 91 on the preliminary plat prepared by Southeast Survey Group. The plat is included for reference.

If approved, the property owners on each side of the right-of-way segments would receive the vacated area up to the centerline of the right-of-way closest to their property in accordance with applicable laws. The request requires a public hearing which was duly advertised for the Planning Commission meeting March 28, 2016 and the Board of Supervisors meeting on April 5, 2016. The Staff Attorney drafted an ordinance of vacation for consideration and the applicant paid the required fee.

DISCUSSION:

The property subject to vacation varies in width from twenty feet to thirty feet. The portion that is twenty feet wide is 543.9' long, and the portion that is 30' wide is 226.4' long. The right-of-way could have provided a connection from Wards Road through the property to Dennis Riddle Drive, but the portion that would connect to Dennis Riddle Drive was previously vacated on August 15, 1963 (see Deed Book 351 Page 238).

The right-of-way is no longer expected to serve any public purpose. Campbell County Utilities and Service Authority (CCUSA) was notified of the request and has no objection to vacating the right-of-way.

RECOMMENDATION:

Staff supports a recommendation of approval to the Board of Supervisors.

Ordinance of Vacation

[Unopened Road at intersection of Wards Road/US 29 and an unnamed road located approximately 450' south of Dennis Riddle Drive]

WHEREAS, an approved plat entitled "Plat of Breezy Wood, Property of B.B. Sweeney, Campbell County, Va.," dated November 1, 1946, revised April 14, 1948, by Adrian Overstreet, S.C.S., was recorded July 9, 1948 as part of deed from Dallas R. Allcock and wife to Leo McClifton McDonald and wife in Plat Book 9, page 143, in the Clerk's Office of the Circuit Court of Campbell County, Virginia;

WHEREAS, said plat showed certain portions of the premises set apart for streets, alleys, parking areas or other public uses which, by recordation of the approved plat and approval of it by signature of C. W. Woodson, Clerk of Court, were transferred in fee simple to the County of Campbell in accordance with Virginia Code Ann. Sec. 15.2-2265 or its predecessor statute;

WHEREAS, among such certain portions of the platted premises so transferred in fee simple to the County of Campbell was that certain property shown upon said plat as parallel to Ward's Road and drawn as roads, which remains an unopened access road and more particularly described as a 30 foot-wide area bounded on the west by Lots 134-137 of the subdivision and on the east by Lot 91 of the subdivision and connected at its southern end to a 20 foot-wide area, also proposed to be vacated, bounded on the west by Lots 70-89 of the subdivision and on the east by Lot 91 and Lot 90 owned by John E. Foster, Jr. and Carrie L. Foster with tax map numbers 43-2-11A and 43-2-12;

WHEREAS, neither portion of said access road has ever been opened, and both the subdivision in question and the property owned by John E. Foster, Jr. and Carrie L. Foster are fully developed such that there is no further need for the unopened road;

WHEREAS, for additional clarification, a plat entitled "Plat Showing Proposed Vacation of 20' & 30' Road (0.43-acre area shaded) and Lot Line Vacation, Breezy Wood, Flat Creek District, Campbell County, VA, for John & Carrie Foster," by Southeast Survey Group, LTD, was submitted to this Board and shall be recorded in the Clerk's Office of the Circuit Court of Campbell County, Virginia;

WHEREAS, it is the desire of the County of Campbell, acting by and through its Board of Supervisors, to vacate that portion of the aforementioned plat showing said unopened access road by Ordinance of Vacation in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2272 and Sec. 21-43 of the Campbell County Code of 1988;

WHEREAS, the effect of such vacation shall be to vest fee simple title to the centerline of such unopened access road so vacated equally in the owners of abutting Lots 32-A-64, 134 through 137, 70 through 89, 90 and 91, as shown on the proposed "Plat Showing Proposed Vacation of 20' & 30' Road (0.43-acre area shaded) and Lot Line Vacation, Breezy Wood, Flat Creek District, Campbell County, VA, for John & Carrie Foster," by Southeast Survey Group,

LTD, free and clear of any rights of the public or other owners of lots shown on the aforesaid plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein, in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2274 and Sec. 21-45 of the Campbell County Code of 1988, and;

NOW, THEREFORE, BE IT ORDAINED, that in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2272 and Sec. 21-43 of the Campbell County Code of 1988, that portion of the plat entitled “Plat of Breezy Wood, Property of B.B. Sweeney, Campbell County, Va.,” dated November 1, 1946, revised April 14, 1948, by Adrian Overstreet, S.C.S., was recorded July 9, 1948 as part of deed from Dallas R. Allcock and wife to Leo McClifton McDonald and wife , in Plat Book 9, page 143, in the Clerk’s Office of the Circuit Court of Campbell County, Virginia, shown upon said plat as parallel to Ward’s Road and drawn as a road, which remains an unopened access road and more particularly described as a 30 foot-wide area bounded on the west by Lots 134-137 of the subdivision and on the east by Lot 91 of the subdivision and connected at its southern end to a 20 foot-wide area, also proposed to be vacated, bounded on the west by Lots 70-89 of the subdivision and on the east by Lot 91 and Lot 90 owned by John E. Foster, Jr. and Carrie L. Foster with tax map numbers 43-2-11A and 43-2-12’ **shall be, and the same hereby is, vacated**, a public hearing thereon having been duly advertised in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2204;

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance of Vacation shall be recorded after the expiration of thirty (30) days from the date hereof, unless appealed to the Circuit Court for the County of Campbell, Virginia, and thereafter if this Ordinance of Vacation is affirmed by said Court, in the Clerk’s Office of the Circuit Court of Campbell County, Virginia;

BE IT FURTHER ORDAINED, that in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2274 and Sec. 21-45 of the Campbell County Code of 1988, the recordation of this Ordinance of Vacation as required in the preceding paragraph shall operate to destroy the force and effect of *that portion* of the plat so described above and so vacated and to vest fee simple title to the centerline of such unopened access road so vacated equally in the owners of abutting Lots 32-A-64, 134 through 137, 70 through 89, 90 and 91, as shown on the proposed “Plat Showing Proposed Vacation of 20’ & 30’ Road (0.43-acre area shaded) and Lot Line Vacation, Breezy Wood, Flat Creek District, Campbell County, VA, for John & Carrie Foster,” by Southeast Survey Group, LTD, free and clear of any rights of the public or other owners of lots shown on the aforesaid plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein.

The vote was: Aye:
 Nay:
 Abstain:



SOURCE OF TITLE:

LOTS 69-91
JOHN E. FOSTER JR.
CARLIE L. FOSTER
DEED BOOK 640 PAGE 574
See Plat Book 9 Page 143
TP#43-2-11A&12

Campbell County School Board
TP#32-A-64
I#050006825
DB350 P288
DB354 P238, Road Vacation
P.C. B Slide 354 Page 2449

FD. IRON
FD. IRON
FD. PIPE
FD. PIPE
N17°37'22"E
N18°09'00"E
100.73'
S75°14'21"E
30.23'

approx. 450' to
Dennis Riddle Dr

PB9 P143

Lot 65
Lot 66 Billy D. Owens
Lot 67 Donna H. Owens
Life Estate
TP#43-2-11
I#040003583
Lot 68
Lot 134
Lot 135
Lot 136
Lot 137

OLD
CHICKEN
HOUSE

30' ROAD (not open)

line to be vacated (226.4')

SHOP/BARAGE

CARPORT

CARPORT

SHED

GARAGE

ROUTE 29 WARDS RD North Bound Lane
(174' PUBLIC ROAD)

BREEZY WOOD

Lot 69
Lot 70
Lot 71
Lot 72
Lot 73
Lot 74
Lot 75
Lot 76
Lot 77
Lot 78
Lot 79
Lot 80
Lot 81
Lot 82
Lot 83
Lot 84
Lot 85
Lot 86
Lot 87
Lot 88
Lot 89

Patrick W. &
Carolyn M. DeBernard
TP#43-2-13B
DB664 P136

Kevin B. &
Kristopher DeBernard
TP#43-2-13
DB909 P393

20' ROAD (not open)

(345.7') line to be vacated

22.91 Acres*
(by record plat)

Lot 91

CARPORT

DWELLING
#8745

SHED

line to be vacated

Lot 90

10.82 Acres*
(by record plat)

NOTE:
THAT 0.43-ACRE* PARCEL (SHADED) WHICH IS A 30' AND 20'
UNOPENED ROAD, AND LOT 91, CONTAINING 22.91 ACRES*,
IS TO BE ADDED TO AND BECOME AN INTEGRAL PART OF
LOT 90, CONTAINING 10.82 ACRES*, FOR A NEW TOTAL AREA
OF 34.16 ACRES.

*ACREAGES BASED ON RECORD PLAT

Preliminary
Plat Showing
Proposed Vacation of
20' & 30' ROAD
(0.43-acre area shaded)
and
Lot Line Vacation
BREEZY WOOD
Flat Creek District
Campbell County, VA
For John & Carrie Foster
Scale: 1' = 75'

Southeast Survey Group, LTD.
P.O. Box 90
2292 Lynch Mill Road
Altavista, VA 24517-0090
434-309-1101

MEMORANDUM

To: Planning Commission

From: Sandra M. Shackelford, Planner *SMS*

Subject: Home Occupations in Residential Districts

Date: 3/4/2016

BACKGROUND: Currently, the Zoning Ordinance does not permit customers to come to or park on the premises of home occupation businesses in the Residential – Single Family Districts. There are other specific prohibitions on the code for home occupations in the R-SF District that do not apply in the other zoning districts including signage, advertising, and the storage of equipment. This precludes businesses such as hair salons, private tutoring or music lessons in the R-SF district currently. The Planning Commission requested additional information on how other localities in the area address home occupations in their zoning ordinances.

DISCUSSION: After looking through the ordinances in several different nearby localities, there are two distinct ways that home occupations are approached. The first is the approach that Campbell County currently takes – home occupations in Residential – Single Family districts are permitted as long as they generate no customer or employee traffic and meet certain other restrictions. This approach is taken by Lynchburg City and Amherst County.

The second approach is to allow customers and others related to the business to come to the site as long as the traffic generated at the site is generally consistent with other traffic in the area.

RECOMMENDATION: Staff would like direction from the Planning Commission to determine if they would like the staff to draft any revisions to the home occupation section of our Zoning Ordinance.

MEMORANDUM

To: Planning Commission

From: Paul E. Harvey, Community Development Director *PEH*

Subject: AGENDA ITEM – Request from Board of Supervisors; Animals in Residential-Single Family Zoning District

Date: March 14, 2016

BACKGROUND:

The Board of Supervisors, at their March 1st meeting, took the following action involving a request to the Planning Commission:

On motion of Supervisor Rousseau, it was resolved the Board of Supervisors requests the Planning Commission review the Zoning Ordinance as it relates to the following items and return a recommendation to the Board of Supervisors.

1. Review the Zoning Ordinance to consider allowing the operation of small home-based businesses in a residential area. These would be businesses such as hair stylists, manicurists or music teachers that would typically have no employees, one or two customers at a time and minimal impact on traffic or the neighborhood.
2. Review the Zoning Ordinance to consider broadening the keeping of livestock and bees in a residential subdivision proportionate to lot size. He added there were lots in R-1 areas that had as much as 25 acres of land and could accommodate more livestock or bees.

The vote was: Aye: Borland, Good, Gunter, Rousseau, Zehr
Nay: None
Absent: Goldsmith, Puckett

DISCUSSION:

Sandy Shackelford will address the issue of home-based businesses with the Planning Commission as a separate item since she was already researching that at the Commission's request. With regard to livestock and bees in residential subdivisions, I can report the following:

- The Zoning Ordinance currently includes bee-keeping as incidental agriculture, and therefore allows it in any zoning district without a permit. The only restriction is that it must be for the personal use of the owners or occupants. The Commission could recommend the restriction be relaxed by also allowing small commercial use in conjunction with a home occupation on the residential premises.

- The Zoning Ordinance currently allows for a special use permit for horses in the Residential-Single Family zoning district, provided certain acreage is available and that the horses are for the personal use of the occupants. The Commission could recommend this section be broadened to include any agricultural animal (a term used elsewhere in the Code to include livestock and poultry). The acreage requirements and number of animals could be made more flexible, and the use could be expanded to include home occupations. Kennels could also be added as a special use in R-SF district to account for situations where 5 or more small animals (pets) can be accommodated.

The attached document shows how the above changes could be implemented by revising the ordinance. Added language is highlighted. Staff is not advocating for, or against, the changes.

RECOMMENDATION:

Staff requests direction from the Planning Commission on how it would like to respond to the request from the Board.

Sec. 22-31. Procedure for issuance of zoning permits; exceptions; approval of site plan or plan of development required prior to issuance of building permit.

A zoning permit shall not be required for:

1. General agriculture uses, including the construction of farm buildings not used for residential purposes and frequented generally by the owners, member of his family, and farm employees, in districts where agriculture is permitted, **except that a zoning permit shall be required for intensive agricultural activities, as defined in Article VII-A of this chapter**, and such intensive agricultural activities shall comply with the setback requirements, minimum area requirements, and other requirements set out in Article VII-A of this chapter.
2. Gardens, incidental agriculture, or incidental silviculture in any district, provided that such use shall not be objectionable by reason of odor, dust, noise, pollution, erosion, sedimentation or drainage. Incidental agriculture shall include the keeping of up to 10 chicken hens in the rear yard of any property with the following provisions: 1) chickens must be kept inside a fenced enclosure at least ten (10) feet from any property line; 2) the enclosure shall include a coop large enough to shelter all hens; 3) no roosters may be kept at any time; and 4) all dead animals and animal waste must be properly managed and kept off adjoining properties and out of natural or man-made drainage systems. Incidental agriculture shall also include bee-keeping and the production of honey for personal use of the owners or occupants, or as part of an approved home occupation. Anyone wishing to engage in agricultural activities not meeting the requirements of this section, and otherwise not allowed by right, may apply for a special use permit.

**Sec. 22-9. Residential – Single Family Zoning District (R-SF).
(Permitted Uses REQUIRING SPECIAL USE PERMIT:)**

18. The keeping of one or two ~~horses~~ agricultural animals as an accessory use to an R-SF permitted use on contiguous property under the same ownership, provided that: (i) a minimum lot size of ~~five (5)~~ three (3) acres shall be required, (ii) ~~one additional horse~~ agricultural animals may be kept on said parcel for each additional ~~two (2)~~ acres, ~~up to a maximum of four horses~~ on such R-SF zoned property within limits defined in the special use permit, and (iii) any ~~horse(s)~~ agricultural animals shall be kept for the personal enjoyment of the occupants of such R-SF zoned property ~~and shall not be maintained as part of a commercial enterprise~~ or as part of an approved home occupation. This section does not apply to companion animals, or other animals already permitted in residential zones.

25. Kennels (Note: Kennels are not currently allowed by special use permit in R-SF; the term applies to 5 or more dogs, cats, or other small animals.)

MEMORANDUM

To: Planning Commission

From: Sandra M. Shackelford, Planner *SMS*

Subject: Planning Commission Approval of Minor Subdivisions

Date: 3/4/2016

BACKGROUND: Currently, the Subdivision Ordinance requires Planning Commission approval for any subdivision of more than one lot. Based on feedback from the Planning Commission, staff reviewed ordinances in other counties that allow staff to approve subdivisions with higher numbers of lots without needing approval from the Planning Commission.

DISCUSSION: In reviewing local subdivision ordinances from other nearby jurisdictions, several of them had provisions that allowed staff to review and approve subdivisions of up to four or five lots without needing approval from the Planning Commission. In every case where staff could approve multiple lot subdivisions without needing Planning Commission approval, the ordinance still reserved the right for staff to submit the proposed subdivision to the approval agents for review and approval. In any case that new right-of-way was required to be dedicated, the Planning Commission would be required to review and approve the proposed subdivision regardless of the number of lots being created.

RECOMMENDATION: Staff would like direction from the Planning Commission to determine if changes to the subdivision ordinance should be prepared for the next code update. If the Planning Commission would like to change the ordinance, staff recommends that the Planning Commission use five as the maximum number of lots that can be approved without their approval and adopts similar provisions related to the approval agent review and right-of-way requirements as other nearby localities.